

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

C O N F I D E N T I A L STATE 169037

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E.O. 11652: GDS

TAGS: PFOR, OAS

SUBJECT: SAN JOSE CONFERENCE (CUBA) - MEXICAN RESOLUTION

REF: SAN JOSE 2923

FOR USDEL TO SAN JOSE MEETING

SUMMARY: EXCEPT FOR THE QTE DESIRING UNQTE PARAGRAPH
AND THE WORD, QTE NORMALIZE, UNQTE IN THE PENULTIMATE
PARAGRAPH, MEXICAN TEXT IS ACCEPTABLE, BUT YOU
SHOULD AVOID COMMITMENT TO CO-SPONSOR AT THIS TIME.
END SUMMARY

1. PRESENT QTE DESIRING UNQTE PARAGRAPH GIVES US THE
FOLLOWING PROBLEMS:

A. WE DO NOT ACCEPT THE NOTION THAT THE APPLICATION OF
THE RIO TREATY IMPOSES QTE LIMITATIONS ON THE SOVEREIGN
POWERS OF THE STATES PARTY. UNQTE PARTNERSHIP IN THE
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TREATY AND ACCEPTANCE OF ITS OBLIGATIONS ARE SOVEREIGN ACTS.

B. DO YOU THINK THIS PARAGRAPH WOULD BE INTERPRETED TO COVER ALL SANCTIONS IMPOSED AGAINST CUBA RATHER THAN JUST THOSE IMPOSED BY RESOLUTION I OF THE 9TH MFM (SUSPENSION OF DIPLOMATIC RELATIONS, TRADE, AND TRANSPORTATION)? AS WRITTEN, THE PARAGRAPH APPEARS TO EMBRACE ALSO THE 8TH MFM (1962) RESOLUTIONS WHICH PROVIDED THE BASIS FOR THE EXCLUSION OF CUBA FROM THE OAS SYSTEM AND THE IADB, AND PROHIBITED ARMS TRADE WITH CUBA.

C. THE CLOSING PHRASE, QTE WHICH NO LONGER HAVE THE SUPPORT OF THE TWO-THIRDS MAJORITY ORIGINALLY REQUIRED TO ADOPT THEM, UNQTE DOES NOT, IN OUR VIEW, NECESSARILY FOLLOW FROM A VOTE BY THE MAJORITY TO AMEND ARTICLE 17. IT IMPLIES THAT SANCTIONS SHOULD NOT BE MAINTAINED WHEN THERE IS NO LONGER TWO-THIRDS MAJORITY SUPPORT FOR THEM, WHICH IS NOT CONSISTENT WITH THE PROPOSED AMENDMENT TO ARTICLE 17.

2. IF THE PRESENT QTE DESIRING UNQTE PARAGRAPH IS DROPPED, WE CAN ACCEPT THE ALTERNATIVE LANGUAGE ALREADY PROPOSED BY THE MEXICANS. OTHERWISE, WE HOPE THE PARAGRAPH COULD BE REVISED AS FOLLOWS:

QTE DESIRING TO ELIMINATE THE LIMITATIONS IMPOSED ON THE STATES PARTY TO THE RIO TREATY BY RESOLUTION I OF THE 9TH MFM, APPROVED IN ACCORDANCE WITH ARTICLES 8, 17, AND 20 OF SAID TREATY. UNQTE.

3. WE WOULD LIKE TO REPLACE QTE NORMALIZE UNQTE IN PENULTIMATE PARAGRAPH WITH QTE DETERMINE UNQTE OR QTE ESTABLISH UNQTE, SINCE EITHER IS MORE CONSISTENT WITH NOTION THAT STATES SHOULD BE FREE TO ACT AS THEY SEE FIT, AND WOULD LEAVE US A SOMEWHAT STRONGER LEGAL BASIS FOR CONTINUING OUR BILATERAL SANCTIONS POLICY.

4. ALSO WE WONDER TO WHAT DEGREE YOU THINK THE PRESENT WORDING OF THIS PARAGRAPH, TAKEN IN CONJUNCTION WITH THE PRESENT QTE DESIRING UNQTE PARAGRAPH, MIGHT IMPLY INVITATION TO READMIT CUBA TO OAS PARTICIPATION. WOULD
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IT BE PREFERABLE TO BEGIN THIS PARAGRAPH, QTE TO LEAVE EACH STATE PARTY TO THE RIO TREATY FREE TO ... UNQTE?

5. FINALLY, WE HOPE QUESTION OF CO-SPONSORSHIP CAN BE DEFERRED AT THIS TIME PENDING YOUR FURTHER ASSESSMENT OF THE NEED FOR IT. IN GENERAL, OUR VIEW IS THAT TO CO-SPONSOR WOULD PUT US IN A MORE ACTIVIST STANCE THAN WE WANT TO ASSUME- WE HOPE EITHER THAT MEXICANS COULD

FIND 14 CO-SPONSORS WITHOUT INCLUDING US OR THAT THEY
MIGHT AGREE TO PRESENT THE PROPOSAL ON THE BASIS OF
ASSURANCES SHORT OF CO-SPONSORSHIP. BASED ON YOUR
RECOMMENDATIONS WE WOULD REVIEW THIS POSITION IF CO-SPON-
SORSHIP WERE THE ONLY WAY TO GET THIS OR A SIMILAR
RESOLUTION CONSIDERED. KISSINGER

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